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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

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JUN 17 2005

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
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AZ CORP COMMISSION
DOCUMENT CONTROL

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KJ

IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S COMPLIANCE
WITH § 271 OF THE TELECOMMUNICATIONS
ACT OF 1996.

DOCKET NO. T-00000A-97-0238

PROCEDURAL ORDER

BY THE COMMISSION:

In Decision No. 64836 (May 21, 2002) the Arizona Corporation Commission ("Commission") considered whether Qwest Corporation ("Qwest") was in compliance with Checklist Item No. 4 of the 14 point checklist which specifies the access and interconnection a Bell Operating Company must provide to other telecommunication carriers in order to satisfy the requirements of Section 271 of the Federal Telecommunications Act of 1996. Checklist Item No. 4 concerns access to the local loop. In Decision No. 64836, the Commission required Qwest to undergo an independent third-party examination of its records, back office systems and loop qualification databases in Arizona 18 months after final approval of Qwest's Section 271 application, with the purpose providing "an important check on whether Qwest's systems are working." Order at 15. Qwest received Federal Communications Commission approval of its Section 271 application on December 3, 2003, and thus, the subject audit would be scheduled to commence on or around June 3, 2005.

On March 29, 2005, Qwest filed an Application for Waiver from the Independent Audit Requirement of Decision No. 64836.

By Procedural Order dated April 20, 2005, the Commission set deadlines for responding to Qwest's Application for Waiver.

Pursuant to the April 20, 2005, Procedural Order, Dieca Communications, Inc. dba Covad Communications Company ("Covad") filed a Response. The Procedural Order also provided that Commission Utilities Division Staff ("Staff") should file a Staff Response to the request by May 31, 2005.

1 On April 20, 2005, Qwest and Staff notified that the Hearing Division, that Qwest desired to
2 talk with Covad about its objections, and expressed the belief that the Staff Response would be more
3 fully informed after the results of the Qwest/Covad discussions are known. Qwest and Staff
4 requested an extension of the deadline for the Staff Response. Qwest requested an indefinite
5 extension pending a notice from Qwest that discussions were complete.

6 By Procedural Order dated May 27, 2005, the deadline for filing the Staff Response was
7 continued indefinitely.

8 On June 1, 2005, Qwest, Covad and Staff participated in a Procedural Conference with the
9 Administrative Law Judge. Qwest and Covad reported that they had exchanged information and
10 would know, most likely within two weeks, whether their discussions would resolve any issues
11 Covad may have with Qwest's loop qualification systems. Staff suggested that because it is hard to
12 predict in advance how long Qwest/Covad discussions would take, it would be more efficient to grant
13 an extension of the audit requirement pending resolution of the Waiver Request.

14 Covad was the only party to file a Response to Qwest's Waiver Request. The on-going
15 discussions between Qwest and Covad are a positive step and can potentially lead to resolving
16 Covad's concerns or to improvements to Qwest's loop qualification systems. Staff's suggestion to
17 extend Qwest's time to comply with the audit requirement of Decision No. 64836, pending resolution
18 of the pending Waiver Request is reasonable.

19 IT IS THEREFORE ORDERED that the time for Qwest to undergo a third-party audit of its
20 loop qualification systems as set forth in Decision No. 64836 shall be continued pending further
21 Order of the Commission.

22 IT IS FURTHER ORDERED that the continuance of the audit requirement shall in no way
23 prejudice the Commission's ability to enforce all of the provisions, including the audit requirement,
24 of Decision No. 64836.

25 IT IS FURTHER ORDERED that unless the parties file a request for earlier Commission
26 action, a **telephonic Procedural Conference** for the purpose of determining the **status** of the
27 Qwest/Covad discussions and the Waiver Request shall commence on **July 6, 2005, at 10:30 a.m.** at
28 the Commission's offices, 400 West Congress Street, Tucson, Arizona. The phone number for the

1 Procedural Conference is **602 542-9010**.

2 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
3 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

4 DATED this 13th day of June, 2005.

5
6 
7 JANE L. RODDA
ADMINISTRATIVE LAW JUDGE

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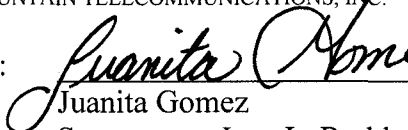
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